THE HONOURABLE SRI JUSTICE J. CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D. APPA RAO

W.P. No. 22872 of 2006

Dated: 13.11.2006

Juthiga Prabhakar

..Petitioner

Vs

The State of A.P., represented by its Secretary,
Home Department, Secretariat, Hyderabad and others.

..Respondents.

THE HONOURABLE SRI JUSTICE J. CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D. APPA RAO

W.P. No.22872 of 2006

O R D E R (per the Hon'ble Sri Justice D. Appa Rao)

The petitioner sought production of his wife, detenu Naga Chandra Veni by way of Writ of Habeas Corpus.

2) It is the case of the petitioner that he married the detenu Naga Chandra Veni on 25.8.2006 before the Registrar of Marriages, Kakinada. Later, he came to know that 5th respondent maternal uncle of her has given a report before the police that he took her away and she was 17 years of age. In fact, they loved with each other for the past one year. After coming to know the said fact, both of them went to the police station where she has categorically stated that she was not a minor and that she married him as per her wishes. However, the police altered the Section of law to Section 366 IPC, arrested him and produced him before the Magistrate, Palakol who remanded him to judicial custody. Subsequently, he was enlarged on bail. In the meanwhile the police handed over his wife to the custody of R4 and R5. In fact, her date of birth as noted in the school admission record was 1.4.1987 and she is a major. Since his wife was taken from his custody and illegally handed over to R4 and R5, he sought her production by way of this Writ of Habeas Corpus.

3) The learned Advocate General took notice on 3.11.2006 and sought a weeks time to obtain instructions. R3 Station House Officer was directed to produce the alleged detenu before this Court today i.e. on 10.11.2006 while issuing notice to R4 to R5.

4) Pursuant to the orders, the alleged detenu was produced before this Court on 10.11.2006. The alleged detenu was examined in the chambers of one of us in the presence of learned counsel for the petitioner and the learned Assistant Government Pleader on behalf of the learned Advocate General.

5) The detenu while admitting her marriage, she stated that it was done forcibly and she preferred to stay with R5 and R4 her maternal uncle and his wife her maternal uncle R4 and R5.

6) Since the scope of Habeas Corpus is limited, we do not propose to go into the contentions of both the parties. It is up to the petitioner to take appropriate action in an appropriate forum if so advised.

7) The Writ Petition is disposed of with the above said observation. No costs.

JUSTICE J. CHELAMESWAR

JUSTICE D. APPA RAO,

13th November 2006.

BCS